

REMARKS

Favorable reconsideration of this application is respectfully requested in view of the following remarks.

As set forth above, claims 3-7 have been canceled. Thus, claims 16, 17 and 20 are now pending. In the above-noted Official Action, claims 16 and 20 were rejected under 35 U.S.C. 103(a) as being unpatentable over *Suzuki et al.* '948 or U.S. Patent Publication No. US 2002/0045851 to *Suzuki et al.* in view of U.S. Patent Publication No. US 2003/0028116 to *Bimbaum* and claim 17 was rejected as being unpatentable over U.S. Patent Publication No. US 2002/0045851 to *Suzuki et al.* in view of U.S. Patent Publication No. US 2003/0028116 to *Bimbaum* and further in view of U.S. Patent Publication No. 2002/0139429 to *Flinchhbaugh*. These rejections are respectfully traversed for at least the following reasons.

The subject matter of this application pertains to a peritoneal dialysis apparatus. The peritoneal dialysis apparatus comprises at least one dialysis fluid container filled with a dialysis fluid, a dialysis fluid circuit containing at least one drained fluid container for recovering the dialysis fluid, fluid delivery means for delivering the dialysis fluid with the dialysis fluid container as a start point or the drained fluid container as an end point, input means for inputting dialysis conditions, and display means for displaying the inputted dialysis conditions. The apparatus performs dialysis by delivering the dialysis fluid to a patient by the delivery means and recovering the drained fluid.

Independent Claim 16 is directed to an aspect of the peritoneal dialysis apparatus in which an individual under dialysis wishes to temporarily stop the dialysis treatment. Hence, there are means for selecting a temporary separation mode during therapy to temporarily stop the therapy. As amended above, Claim 16

recites that the dialysis apparatus further includes means for temporarily separating said delivery means from said dialysis fluid circuit during said temporary separation mode. The means for temporarily separating said delivery means from said dialysis fluid circuit during said temporary separation mode comprises an aseptic separating/joining apparatus. Still further, Claim 16 recites means for displaying a residual staying time after the temporary separation mode is selected. An embodiment of this aspect of the apparatus and the use of the aseptic separating/joining apparatus is described at Paragraph [0135] of the application in connection with the illustrations in Fig. 15.

Suzuki et al. discloses a peritoneal dialysis apparatus which, as discussed in the middle of column 18, permits input of various parameters necessary for peritoneal dialysis such as the treatment pattern, the initial amount of drained fluid, the amount of infused fluid, the stay time in the peritoneal cavity, the number of cycles, etc. However, *Suzuki et al.* is devoid of any disclosure that the apparatus permits selection of a temporary separation mode to temporarily stop the therapy together with means for displaying a residual staying time after the temporary separation mode is selected.

The disclosure in *Suzuki et al.* upon which the Examiner relies, namely Fig. 27 and Steps 550 to 554, are directed to resolution of an abnormal state in dialysis. For example, the fluid draining line is closed or the fluid infusing line is closed due to an abnormality. As such, there is no "selection" means which permits the closure of the line and in fact, the opposite occurs as the user must follow the instructions to eliminate the abnormality and reopen the line. If the user is unsuccessful in his attempts, then, as set forth on screen 554, the user is advised that "To stop operation, please contact the doctor". Hence, clearly, Suzuki does not disclose

means for temporarily separating said delivery means from said dialysis fluid circuit during said temporary separation mode because if it did, contacting the doctor would not be required. Still further, *Suzuki et al.* does not disclose an aseptic separating/joining apparatus as recited in amended Claim 16.

Accordingly, Applicant respectfully contends that *Suzuki et al.* does not disclose or suggest means for selecting a temporary separation mode during therapy to temporarily stop the therapy, means for temporarily separating said delivery means from said dialysis fluid circuit during said temporary separation mode, or means comprising an aseptic separating/joining apparatus. The remaining prior art cited by the Examiner also does not provide the disclosure found lacking in *Suzuki et al.* It is thus respectfully submitted that Claim 16 is allowable.

All of the dependent claims in this application are allowable at least by virtue of their dependence from allowable independent claim 16. Thus, a detailed discussion of the further distinguishing aspects of the claimed apparatus recited in the dependent claims is not specifically set forth at this time.

Early and favorable action with respect to this application is respectfully requested.

Should any questions arise in connection with this application or should the Examiner believe that a telephone conference with the undersigned would be helpful in resolving any remaining issues pertaining to this application the undersigned respectfully requests that he be contacted at the number indicated below.

Respectfully submitted,

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